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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,040	11/28/2000	Manfred Boldy	DE91999009US1	6054

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IBM CORPORATION
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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/15/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/724,040

Applicant(s)

BOLDY, MANFRED

Examiner

Abbas I Abdulsalam

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (USPN 5529415) in view of Walker (USPN 3787898).

Regarding claims 12, 17 and 21, Bishop teaches a device (100) which contains a finger portion (12) having a rounded first end (14) and an open second end (16) with the second end adapted for removable securement to a fingertip (128) of a user. Bishop discloses that the finger portion has a ballpoint pen tip (24) secured to the open-end portion (22) outwardly extending of the rounded first end (14). See col. 3, lines 50-65 and Fig. 1. However, Bishop does not disclose an adhesive layer joined to the base surface of the dome for securing the dome with the adhesive layer permitting repeated removal and rebounding with respect to the fingertip. Walker teaches the use of a thumb (15) and fingers (16, 17) with adhesive material or other materials, which will provide a gripping and non-slipping means between the glove and the pen. See col. 4, lines 63-68, and col. 5, lines 1-3. For example, Walker teaches the use of fingers with adhesive portions (18, 19, 20) with respect to the areas of contact between the glove and the pen. See Fig. 6.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Bishop's fingertip pen writer system (Fig. 1) to adapt walker's use of adhesive contacting (18, 19, 20). One would have been motivated in view of the suggestion in

Walker that the use of adhesive contacting technique is equivalent to the desired use of adhesive layer. The use of adhesive contacting technique (18, 19, 20) helps a writing pen gripped by the hand more firmly as taught by Walker.

In addition, it would have been obvious for one of ordinary skill in the art to ascertain that Bishop's pen tip (24) can be used for the desired actuation of small keys on miniature keyboards.

Bishop also teaches that the device (10) can be in any variations in size, materials shape, form, function and the manner of operation. See col. 4, lines 23-37. Hence it would have been obvious that specific designs of the dome with axial opening and dimensions as well as symmetric rotational profile are met by bishop's teaching of variations in shape, size and form.

Regarding claims 13, 19 and 23, Bishop teaches a fingertip pen writer system as shown in Fig. 1 and inspection of the Fig. 1 reveals pen tip (24) contacting the surface in the same plane.

Regarding claims 14, 20, 25, Walker teaches adhesive contact (18, 19, 20) and it would have been obvious to utilize the adhesive contact on Bishop's device in any desired manner.

Regarding claim 15, Bishop teaches a point pen tip (24) used for writing and it would have been obvious that the tip is hard enough to be able to write on the surface.

Regarding claims 16, 18, 22, 24, Bishop teaches the use the device (10) with variations in materials shapes and forms.

Conclusion

2. The prior art made of record and not relied upon is considered to applicant's disclosure. The following arts are cited for further reference.

U.S. Pat. No. 5,261,393 to Weizweig

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U.S. Pat. No. 5,025,705 to Raskin

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

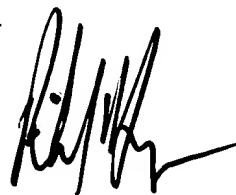
Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600